THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14584 OF 2006

DATED:18-07-2006

BETWEEN

K.Malleswari and another

… Petitioners

and

The District Collector, Chittoor District, Chittoor and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14584 OF 2006

ORDER:

The two petitioners filed the present writ petition feeling aggrieved by the order, dated 07.07.2006, passed by the second respondent. By the said order, the second respondent ordered resumption of the land to the Government duly informing the first petitioner that she will be paid *ex gratia* amount equivalent to market value. The impugned order is mainly challenged on the ground that it is without application of mind and arbitrary.

The case of the petitioners is as follows. The first petitioner was assigned land admeasuring Acs.0.87 cents in survey No.397/3. She was given a DKT patta on 19.05.1986 and allegedly cultivating the said land. The second petitioner was also given a DKT patta on the same date in respect of land admeasuring Acs.0.68 cents in survey No.397/4 situated at Pudipatla village of Tirupathi (Rural) Mandal in Chittoor District. The second respondent issued show cause notice, dated 17.05.2006, calling upon the petitioners to show cause why the land assigned to them should not be resumed for the purpose of providing house sites to poor people. The petitioners submitted explanation *inter alia* contending that they are landless and poor, that they are cultivating the land and that there is abundant Government land available in the village. They pleaded with the second respondent not to resume the land. After considering all these objections, impugned order was passed.

Learned counsel for the petitioners strenuously contends that

there is abundant alternative land in the village, and therefore, it is not permissible for the respondents to resume the land assigned to the petitioners. He also points out that there are other assigned lands in the village, which were not being cultivated by the assignees and also the lands, which were illegally assigned to others, and therefore, respondents ought to have resumed those lands. **Per contra**, the learned Assistant Government Pleader for Revenue (General) submits that proper enquiry was conducted by the Mandal Revenue Officer and as it was found that there are no unobjectionable vacant lands free from dispute in the village, the petitioners' lands, which were nearer to the village, were selected for provision of house sites. He invites the attention of this Court to the impugned order and submits that the well considered order of the second respondent does not warrant any interference.

The petitioners have not placed any material before this Court in support of the contention that there is a suitable Government land available in the village for the public purpose of providing house sites. There is also no denial regarding position that a detailed survey was conducted by a team of Panchayat Secretaries and it was found that the lands, which were assigned to the petitioners, are best suited for the purpose of providing house sites and that these lands are adjacent to Chandamama palle ST colony, Hamlet of Perumallapalle village. As per the report submitted by the Inspection Team, Mandal Revenue Officer also came to the conclusion that except Eucalyptus tree growth, the lands were not being used for cultivation and therefore, he thought it fit the said lands are best suited for resumption. Further, in accordance with the relevant Government Orders, the petitioners were also informed that they will be paid *e x gratia* equivalent to market value of the land. This would certainly mitigate the hardship, if any, faced by the petitioners. The second respondent followed a fair procedure before issuing resumption order and the same does not warrant any interference.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

18.07.2006
pln